

REMARKS/ARGUMENTS

Claims 1-34 are pending. The Examiner has allowed claims 15-22 and 29-34. The Examiner has rejected claims 1, 2 and 23. The Examiner has objected to claims 3-14 and 24-28. Applicant respectfully requests reconsideration of pending claims 1-14 and 23-28.

The Examiner has rejected claims 1, 2, and 23 under 35 U.S.C. § 103(a) as being unpatentable over Miyagi et al. (U.S. Patent No. 5,894,471) in view of Trebes, Jr. (U.S. Patent No. 6,317,438). Applicant respectfully disagrees.

Regarding claims 1 and 23, Applicant submits that the cited portions of Miyagi et al. and Trebes, Jr., either alone or in combination, fail to disclose or render obvious the claimed invention as set forth in claims 1 and 23. As an example, Applicant submits that the cited portions of Miyagi et al. and Trebes, Jr. fail to disclose or render obvious “determining connection type characteristics for a link within the network.” Rather, col. 5, lines 37-42, as cited by the Examiner, refer to “...the total value of bandwidths allocatable to PVCC and the VCI range (VCI area) and the total value of bandwidths allocatable to SVCC and the VCI range (VCI area) for PVCC and SVCC coexisting in the same VPC,” not “connection type characteristics for a link.” Even if one were to assume (contrary to Applicant’s foregoing argument) that “...the total value of bandwidths allocatable to PVCC and the VCI range (VCI area) and the total value of bandwidths allocatable to SVCC and the VCI range (VCI area) for PVCC and SVCC coexisting in the same VPC” were “connection type characteristics for a link,” Applicant submits that the cited portions of the cited references do not teach or suggest “advertising the connection type characteristics....” Rather, col. 12, lines 28-36, of Miyagi et al., as cited by the Examiner, refer to “the ATM cell indicating the request of SVCC setup 623,” not the “...the total value of bandwidths allocatable to PVCC and the VCI range (VCI area) and the total value of bandwidths allocatable to SVCC and the VCI range (VCI area) for PVCC and SVCC coexisting in the same VPC.”

Moreover, Applicant notes that the Examiner states that “Miyagi fails to teach for the link is between switched virtual connection and soft permanent virtual connections.” However, the portion of Trebes, Jr., cited by the Examiner (col. 24, lines 10-15) merely states, “if the VPCs are permanent or semi-permanent and have reserved capacity, establishing new VCCs requires simple connection admission decisions at the VPC terminators of existing VPCS.” Applicant submits that the cited portion of Trebes, Jr. also fails to teach that the link is between switched virtual connections and soft

permanent virtual connections, as asserted by the Examiner. Thus, Applicant submits that claims 1 and 23 are allowable over Miyagi et al. and Trebes, Jr.

Regarding claim 2, Applicant submits that the cited portions of Miyagi et al. and Trebes, Jr., either alone or in combination, fail to disclose the claimed invention as set forth in claim 2. For example, Applicant submits that the cited portion of Miyagi et al. (col. 7, lines 42-46) fails to disclose "selecting, by the at least one node, a routing path within the network for a connection based on the connection type characteristics." Moreover, Applicant submits that, as noted in Applicant's arguments above, the lack of teaching or suggestion of "determining connection type characteristics for a link within the network" prevents the cited portions of the cited references from disclosing or rendering obvious "selecting...based on the connection type characteristics." Thus, Applicant submits that claim 2 is allowable over Miyagi et al. and Trebes, Jr.

The Examiner has objected to claims 3-14 and 24-28 as being dependent upon a rejected base claim but states that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As Applicant has presented above arguments for the allowability of the claims from which the objected claims depend, Applicant submits that claims 3-14 and 24-28 are also in condition for allowance.

In conclusion, Applicant has overcome all of the Office's rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

Date

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